

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 534 - SB 627

February 19, 2021

SUMMARY OF BILL: Creates a Class A misdemeanor offense of communicating a threat to commit an act of violence on school property or at a school-related activity. Creates a Class B misdemeanor offense of knowing failure to report a threat of mass violence on school property or at a school-related activity. Authorizes a sentencing court to require a person sentenced for either offense to pay restitution, including costs and damages, resulting from a disruption of normal activity. Authorizes a court to order a child held under the offense of a threat of mass violence on school property to undergo a mental health evaluation.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures - \$11,700/FY21-22 and Subsequent Years*

Assumptions:

- According to the Educator's School Safety Network's *Violent Threats and Incidents in Schools: An Analysis of the 2018-2019 School Year*, the national average for threats of violence in K-12 schools is 3,219 in FY17-18 and FY18-19. This figure does not include incidents of violence that actually occurred.
- The National Center for Education Statistics reports there were 98,158 public K-12 schools in the nation, as of FY17-18.
- The Tennessee Department of Education reports approximately 1,700 K-12 public schools in the state.
- Tennessee public schools account for 1.73 percent (1,700 / 98,158) of all public schools, nation-wide.
- It can be reasonably assumed, therefore, that there is an average of 55.7 (3,219 x 1.73%) threats of violence in schools in Tennessee each year.
- Pursuant to Tenn. Code Ann. § 39-13-114, communicating a death threat concerning a school employee is a Class B misdemeanor.
- Pursuant to Tenn. Code Ann. § 39-17-308(a), a person commits the offense of harassment when they intentionally:
 - Communicate a threat to another person and the person communicating the threat:
 - Intends the communication to be a threat of harm to the victim; and
 - A reasonable person would perceive the communication to be a threat of harm;

- Communicates with another person without lawful purpose, anonymously or otherwise, with the intent that the frequency or means of the communication annoys, offends, alarms, or frightens the recipient and, by this action, annoys, offends, alarms, or frightens the recipient;
- Communicates to another person, with intent to harass that person, that a relative or other person has been injured or killed when the communication is known to be false; or
- Communicates with another person or transmits or displays an image without legitimate purpose with the intent that the image is viewed by the victim by any method and the person:
 - Maliciously intends the communication to be a threat of harm to the victim; and
 - A reasonable person would perceive the communication to be a threat of harm.
- The punishment for the offense of harassment is categorized between a delinquent act, punishable by up to 30 hours community service and a Class E felony.
- It is assumed that all 55.7 threats of violence in schools are currently convicted under these sections of code.
- It can be reasonably estimated that on average 20 percent, or 11.4 (55.7 x 20%), of all these offenders are currently convicted of a Class B misdemeanor annually.
- The average jail time served is 1 day for a Class B misdemeanor offense 15 days for a Class A misdemeanor offense.
- Based on the 2020 Fiscal Review Committee survey, the weighted average cost to local governments to house an inmate in a local jail facility is \$73 per day.
- There will be a mandatory increase in local expenditures of \$11,651 [11.4 offenses x (15 days – 1 day) x \$73 per day] in FY21-22 and subsequent years.
- There will not be enough Class B misdemeanor offenses of knowing failure to report a threat of mass violence on school property or at a school-related activity to result in a significant increase in local expenditures.
- Any impact to the court system is estimated to be not significant.
- Any impact to local school systems resulting from an award of restitution is estimated to be not significant.
- Any increase in mental health evaluation as a result of court orders can be accommodated with existing resources and personnel.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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